IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3551 OF 2006

Suresh M. Chorge ..Petitioner

Vs.

The Bharat Co-Op. Bank Ltd.
and anr. ..Respondents

Mr. K.K. Malpathak for petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : August 7, 2006.

P.C.:

1. Heard Mr. Malpathak the learned counsel for the petitioner. The Special Recovery Officer of the respondent no.1-Bank passed an order on 31/10/2002 and claimed an amount of recovery from the petitioner to the tune of Rs.3,45,826/-. The petitioner, two years later, approached the Co-operative Court by filing Dispute No.CC-1/199 of 2004 and prayed for quashing the said order passed by the Recovery Officer. In addition, he prayed for an amount of Rs.40,298/- to be recovered from the opponent with 18% interest thereon. In the said dispute he filed an application for temporary injunction so as not to act upon the

recovery certificate. This application was rejected by the learned Judge of the Co-operative Court at Mumbai on 6/5/2005 which also has been dismissed by the learned President of the Maharashtra State Co-operative Appellate Court on 15/2/2006. Hence this petition.

2. On the face of the details set out by the Recovery Officer in his order dated 31/10/2002 and the petitioner sought to challenge the said order by approaching the Co-operative Court sometimes in the month of April 2004, the view taken by both the courts below that the petitioner failed to make out a prima facie case in his favour does not call for any interference in this petition under Article 227 of the Constitution.

3. Petition is rejected summarily. The trial of the dispute is expedited and it is made clear that it will be decided without being influenced by any observations made in the interlocutory orders.

(B.H. Marlapalle,J.)